pair of said opposite surfaces of said mounting plate to securely engage said raceway to the structure.

REMARKS

Entry of the above-made amendments before examination of the present case is hereby respectfully requested. This application, as amended, contains claims 42-47 pending and under consideration.

In the prior application, Claims 42-48 were rejected under 35 U.S.C. § 102(b) as being anticipated by Propst et al. New Claims 42-48 are presented in this Preliminary Amendment. Claim 42 of the present application is similar to Claim 42 of the parent case except that it recites that the raceway is alternatively engagable in one of two positions, above or below the structure. The two positions recited in Claim 42 are shown in Figs. 13 and 15 and described on page 19, lines 10-26 of the specification. Claim 43 further defines the forward and reversed orientations that are possible with the present invention. The orientations recited in Claim 43 are shown in Figs. 14-15 and described on page 28, lines 4-13. The mounting plate and slot of claim 45 are shown in Fig. 16 and described in the specification on page 20, lines 7-13. Claim 44 further defines the locking element. Claims 45-47 include details of the mounting plate, which is shown in Figs. 13, 15 and 16 and described on page 20 of the specification. Further, claims 45-47 have additional elements that are similar to Claim 1 of the parent case, which has been allowed.

The final Office Action of the parent case described the Propst wire enclosure as having a base cooperating with opposed upstanding sidewalls to define a channel and a locking element detachably engaging the Propst raceway to the lower surface of a structure. It was further asserted that the raceway extends from the lower surface to the upper surface of the structure with the channel being open adjacent the upper and lower surfaces in an area behind the structure.

Applicants respectfully submit that new Claims 42-47 are patentable over Propst for several reasons. For example, Claims 42-47 claim a single embodiment of the raceway that is capable of being engaged to either the upper or lower surface. Furthermore, regardless of whether the raceway is engaged to the upper or lower surface, that same embodiment of the raceway can be alternatively engaged such that the raceway extends either above the upper surface or beneath the lower surface. For instance, Fig.13 shows the raceway extending above the upper surface, while Fig.15 shows the same raceway extending beneath the lower surface. In contrast, Propst teaches one raceway (Fig. 1-3 of Propst) that can only extend beneath the lower surface of the structure. Although Propst shows another raceway extending above the upper surface (Fig. 4), this raceway is not the same raceway as that shown in Figs. 1 and 3. Instead the raceway in Fig. 4 is a modified raceway, an "alternative embodiment". See Propst column 5, lines 3-5. Therefore, Propst does not disclose the versatile raceway embodiment of the invention, which is capable of being alternatively engaged to extend either above the upper surface or beneath the lower surface. Furthermore, Propst does not teach a raceway capable of being further engaged so that the open channel either faces forward or backwards, as recited in Claim 43.

Second, Claims 44-47 recites a locking element capable of quickly engaging or releasing the raceway to and from the upper or lower surface of the structure. In contrast, Propst uses a screw to attach the wire enclosure to the under surface of the furniture assembly. The screw of Propst does not attach the wire enclosure to the furniture structure in a manner that allows for quick and repeatable attachment or removal of the wire enclosure. Although the screw of Propst can be removed, it takes considerable effort and time to unscrew and detach the wire enclosure of Propst from the furniture assembly. Moreover, repeated use will tend to strip the screw hole. Because Propst fails to teach or disclose feature recited in Claims 42-47, such as a locking member capable of quickly attaching and releasing the raceway to and from the surface and a

single raceway capable of multiple positions and orientations, it is believed that the present invention is patentable over Propst.

Claims 42-48 of the prior application were also rejected under 35 U.S.C. § 102(b) as being anticipated by Wolff et al. It was asserted that Wolff teaches a raceway having a base cooperating with opposed upstanding side walls to define a channel, and a locking element detachably engaging the raceway to the upper surface. It was further asserted that the raceway of Wolff extends from the below the lower surface to above the upper surface of the structure, the channel being open adjacent the upper and lower surfaces in an area behind the structure.

Similar to Propst, Wolff fails to disclose a locking element capable of quickly engaging and quickly releasing the raceway to and from either the upper or lower surface of the structure. As in Propst, Wolff discloses using screws to attach the wire enclosure to the surface of the structure, which require a significant amount of time and effort to remove and install.

In addition, Wolff discloses a wire enclosure that extends both above and below the upper and lower surface. In contrast, the present invention calls for alternatively engaging raceway in one of two positions. In the first position, the raceway extends above the upper surface; in the second position the raceway extends beneath the lower surface. Wolff, in contrast, discloses only one position in which a portion of the wire enclosure extends above the upper surface and a portion extends below the lower surface.

Furthermore, Wolff does not disclose a raceway capable of two orientations such as claimed in Claim 43 of the present application. Claim 43 recites a raceway capable of two orientations, a forward facing orientation, in which the open channel is exposed to the area above the upper surface of the structure, and a behind facing orientation, in which the open channel is exposed to an area behind the structure. In contrast, Wolff teaches only a forward facing orientation.

The multiple positions and orientations of the present invention pose many advantages, not presented in Propst or Wolff. For instance, the raceway and its cover can form a decorative

back panel when extending from the upper surface of the table top structure. When extending above the lower surface of the table top structure the raceway can serve as a modesty panel by concealing the space underneath the table top structure. When using a table top structure that is equipped with grommets it is particularly helpful to have the channel extending beneath the surface and opening to the space below the surface so that the wires may be fed through the grommets, and then placed into the open channel underneath the desk. The behind facing orientation is particularly useful in cases where access to the wires needs to be limited. For example, in a school setting it is often desired to prevent the students from accessing the wires, therefore in these settings the behind facing orientations are especially useful.

Since both Propst and Wolff fail to disclose a locking element that quickly engages and quickly releases the raceway to and from a surface of the structure and fail to disclose a raceway capable of multiple positions and orientations as is claimed in Claims 42-47; it is believed that the present invention is patentable over Propst and Wolff and the other known prior art.

It is believed that this application is now in condition for allowance. Prompt action to that end is respectfully requested. If there are any issues remain that can be resolved by telephone, the Examiner is invited to call the undersigned attorney.

Respectfully Submitted,

By: Deborah Beck

Deborah R. Beck, Reg. No. 37,370
Baker & Daniels
Suite 2700
300 North Meridian Street
Indianapolis, IN 46204
(317) 237-1196
email: drbeck@bakerd.com